

REMARKS

Claims 1-11 are pending in this application. Claim 11 has been amended to define more clearly what Applicant regards as his invention. No change in scope of this claim is either intended or believed to be effected by the changes. Claims 1 and 3 are independent.

Applicant notes with appreciation the allowance of Claims 1-10.

Claim 11 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claim 11 has been amended to recite a physically-embodied computer program in a form directly executable by a computer, containing instructions causing a device to perform certain steps. As such, it is believed that the rejection under Section 101 has been obviated, and its withdrawal is therefore respectfully requested.<sup>1/</sup>

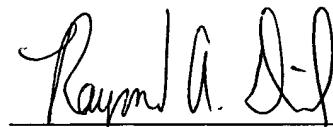
In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

---

<sup>1/</sup>During a telephone conversation with Applicant's undersigned attorney on June 24, 2005, the Examiner indicated that Claim 11 as so amended may be acceptable. If the Examiner maintains the rejection of Claim 11, it is respectfully requested that the Examiner contact Applicant's undersigned attorney by telephone so that an expeditious resolution to this matter can be reached.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



---

Raymond A. DiPerna  
Attorney for Applicant  
Registration No. 44,063

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200